

Article - Environment

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§9–506.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, before a county governing body may adopt a county plan or a revision or amendment to the county plan:

(i) The county governing body shall submit the county plan, revision, or amendment to each official planning agency that has jurisdiction in the county, including any comprehensive planning agency with areawide jurisdiction, for review and comment within a 30–day period for consistency with planning programs for the area; and

(ii) The county planning agency shall certify that the plan, revision, or amendment is consistent with the county comprehensive plan prepared under Title 1, Subtitle 4 or Title 3 of the Land Use Article or § 10–324 of the Local Government Article.

(2) In Montgomery County and Prince George’s County, the review and comments of the Maryland–National Capital Park and Planning Commission in accordance with § 9–516 of this subtitle constitute full compliance with the requirement for review by an official planning agency under this subsection.

(3) (i) This paragraph applies only in St. Mary’s County.

(ii) A new public sewerage system or an expansion of an existing public sewerage system, or a new water supply system or an expansion of an existing water supply system, may not be allowed in St. Mary’s County unless the adoption, revision, or amendment to the county plan containing the public sewerage system or water supply system:

1. Is reviewed by the St. Mary’s County Planning Commission in conformity with the provisions of this paragraph; and

2. Is approved by the Board of County Commissioners or, subject to subparagraph (v) of this paragraph, the Commissioners’ designee.

(iii) 1. The County Commissioners or the Commissioners’ designee may not approve the adoption, revision, or amendment of the county plan that contains a new public sewerage system or an expansion of an existing public

sewerage system, or a new water supply system or an expansion of an existing water supply system, until the Planning Commission:

- A. Conducts a complete review of the county plan; and
- B. Holds, or arranges to be held, at least one public hearing on the county plan.

2. The Planning Commission may delegate the responsibility of holding a public hearing under this subparagraph to county staff as directed by the County Commissioners.

(iv) In its review and recommendation to the County Commissioners or the Commissioners' designee, the St. Mary's County Planning Commission shall consider and make specific findings of fact with respect to the following objectives and policies of the county plan that contains a new public sewerage system or an expansion of an existing public sewerage system, or a new water supply system or an expansion of an existing water supply system:

- 1. Compatibility with the Comprehensive Land Use Plan;
- 2. Planning and zoning issues;
- 3. Population estimates;
- 4. Engineering;
- 5. Economics;
- 6. State, regional, and municipal plans; and
- 7. Comments received from other agencies in the county.

(v) The County Commissioners may only appoint a designee under this subsection for purposes of considering amendments to the county plan containing a public sewerage system or water supply system in growth areas shown on an adopted Comprehensive Land Use Plan.

(b) Each county governing body shall submit to the Department:

- (1) Progress reports on the development of its county plan; and

(2) A report of its review conducted at least every 2 years, including any revision or amendment of the county plan that has been adopted.

(c) (1) If the Secretary determines that a county governing body has failed to submit a timely and adequate report of its review of its county plan or any required revision or amendment of its county plan to the Department, the Secretary shall give the county governing body a written notice of:

(i) The county's failure to submit a report; or

(ii) Any specific inadequacy in the county's plan.

(2) If within 90 days of this notice a county does not submit its report or an adequate revision or amendment of its plan to the Department, the Secretary:

(i) May not issue any permit to install or alter a water supply system, sewerage system, or solid waste disposal system in that county under § 9–204 of this title;

(ii) Shall give the county notice of its right to administrative review by the Secretary under this subsection; and

(iii) Shall give the county notice of its right to appeal the Secretary's decision to the Board of Review.

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